



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
November 6, 2014 – 7:30 P.M.
City Hall Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	<u> x </u>	<u> </u>
Lawrence Bleau	<u> x </u>	<u> </u>
James McFadden	<u> </u>	<u> x </u>
Rose Greene Colby	<u> x </u>	<u> </u>
Christopher Gill	<u> x </u>	<u> </u>
Clay Gump, Vice-Chair	Resigned as of 11/6/14	

Also Present: Planning Staff- Terry Schum, Miriam Bader and Theresheia Williams;
 Attorney – Frederick Sussman.

I. Call to Order: Mary Cook called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

Lawrence Bleau moved to accept the minutes of October 2, 2014 after the correction of his name on Page 3. Christopher Gill seconded. The motion carried 3-0-0.

III. Amendments to Agenda: Item VI was moved up on the agenda to allow members to arrive for a quorum. Mary Cook amended the agenda to add Election of Temporary Vice-Chair to fill the position of Clay Gump who resigned on November 6, 2014.

IV. Public Remarks on Non-Agenda Items: There were no Public Remarks on Non-Agenda Items.

V. Public Hearing:

CEO-2014-05:	Variance to Construct a 3.5-Foot High Fence in the Front and Street Side Yard Along the Property Line
<u>Appellant:</u>	Daniel Canotti
<u>Location:</u>	4801 Hollywood Road

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting two variances. A variance from the 25-foot setback requirement to permit a fence on the property line where the side and rear lot lines are a continuation of the front yard line and a variance to construct a 3.5-foot high, front yard fence. The property is a corner lot, rectangular in shape with an area of 6,250 square feet. The property is improved with a one-story, single-family home that was built in 1962 and a 12-foot by 12-foot shed. The house is oriented along the longer lot line on 48th Avenue defined as the apparent front yard. The legal front yard for a corner lot is defined as the “shortest lot line that abuts a street.” The apparent front and rear property lines measure 125 feet in length; the side property lines measures 50 feet in width.

There used to be a driveway off of Hollywood Road. This driveway has been removed and re-sodded. A new driveway is being constructed off of 48th Avenue. The City Engineer is requiring the applicant to re-establish the curb along Hollywood Road, as a condition of approval for the new curb-cut. The applicant has three young children. The purpose of the fence is to delineate a play area and protect his children from running out into the street. A temporary fence has already been installed by the applicant with the understanding that if the variances are not approved, this fence will be removed. If the fence variances are approved, the applicant will secure the fence posts in concrete footings.

Miriam Bader submitted the staff report, Exhibits 1-9 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Lawrence Bleau asked if the first variance is just to allow a fence in the front yard, not the setback?

Miriam Bader stated yes.

Daniel Canotti, applicant, testified that he would like his fence to go all the way down to the end of the street and around the yard. He would like to have a play area for his children to discourage them from running out into the street or into the neighbor's yard.

Lawrence Bleau asked what would be the hardship if the fence was just limited to the apparent front yard and side yard on Hollywood Road?

Daniel Canotti stated that it would be unattractive and would not serve his purpose.

Mary Cook asked when was the house purchased?

Daniel Canotti stated last year.

Mary Cook asked if he researched the City Ordinance for installing fences before putting in the fence?

Daniel Canotti stated that he checked the Prince George's County Ordinance and there were no restrictions for installing a fence, but he didn't check the City of College Park Ordinance.

Christopher Gill asked if the apparent front yard is in the front of the house?

Terry Schum stated that the apparent front yard is only what is in front of the structure.

Mary Cook asked if there were restrictions on the type of materials that could be used on the fence?

Miriam Bader stated that there can be no chain-link or barbed wire.

Commissioners reviewed the criteria that need to be met before the variances can be granted and determined that:

- 1) There is an extraordinary condition that supports the front yard variance and the side yard setback variances. The property is a corner lot and, due to the lot dimensions and placement of the house on the lot, the rear yard is only eight (8) feet in depth, making the rear yard unsuitable for a play area. The applicant has three children and, for this property, it is more practical for children to play in the apparent front and street side yards given the orientation of the house on the site, the location of the existing shed and the minimal land at the rear of the house. The fence would define a safe play area, and discourage the applicant's children from running into the street.
- 2) The location of the house on the lot, the lot dimensions and the location of the shed, severely limit the land available for a usable play area. Denial of the variances will result in a peculiar and unusual practical difficulty by preventing the owner from creating a clear and visible fence barrier to discourage his three young children from running into the street and to keep them safe. Denial of the variances also will significantly and unreasonably reduce the size of the available play area for the owner's children.
- 3) Granting the variances will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The proposed 3.5-foot high, split-rail style, bamboo fence is the minimum necessary to offer some protection to the applicant's children.
- 4) The property is not located in a historic district.
- 5) Granting the variances will not adversely affect the public health, safety, welfare or comfort. The fence will not obstruct emergency personnel, equipment or vehicles.
- 6) The proposed fence will incorporate openness and visibility. The fence is proposed to be made entirely of bamboo. It is a split-rail-style consisting of 3.5-foot high bamboo posts, 7-inches in width, spaced 5-feet apart and two horizontal crossbars, 3-inches wide, located 1.2-feet above ground and 3.0-feet above ground, respectively.
- 7) The proposed construction is not uncharacteristic with the surrounding neighborhood. The proposed fence will fit in with the neighborhood and will not be intrusive.

Lawrence Bleau moved to approve the variance for a 25-foot setback from the Hollywood Road and 48th Avenue side property lines because the request meets the criteria for granting the variance for the reasons stated above. Christopher Gill seconded. Motion carried 4-0-0.

Christopher Gill moved to approve the variance to permit a front yard, 3.5-foot high, split-rail-style, bamboo fence on Hollywood Road and 48th Avenue with the condition that the applicant shall fence in the driveway by either providing a gate across the driveway, by fencing along the inner perimeter of the driveway area, or both, in order to discourage the children from running into the street. Rose Colby seconded. Motion carried 3-1-0, with Lawrence Bleau voting Nay.

VI. Update on Development Activity: Terry Schum reported on the following:

Knox Boxes – Demolition is completed and the project is going to construction. The Planning staff signed-off on 36 demolition permits for the development. Rossburg Drive is closed and Knox Road converted to two-way traffic. The development will have around 13,000 SF of ground floor retail, a 470-space parking garage, and a variety of community amenities. No tenants have been announced yet.

The Hotel at the University of Maryland – The plan calls for a 13-story, 295-room hotel with an 806-car garage, 20,000 SF of conference space, spa and restaurants. The applicant has announced that the spa will be an Elizabeth Arden Red Door Spa. The applicant will appear in front of the City Council on November 18, 2014 and the County Planning board on December 18, 2014.

VII. Other Business:

Election of Temporary Vice-Chair: Clay Gump, Vice Chair of the Commission, resigned as of November 6, 2014. Mary Cook nominated Lawrence Bleau as temporary Vice-Chair. Christopher Gill seconded. Motion carried 4-0-0.

Strategic Plan – At the City Council November 5th Worksession, a contract award was made to The Novaak Company, who will facilitate the Strategic Planning process for the next 5 years. This process will involve community outreach, which will include a community survey, focus groups, stakeholder interviews and interaction with the City Council. The scope of the work will be finalized next week.

VIII. Adjourn: There being no further business, the meeting was adjourned at 9:39 p.m.